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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,069	11/03/2003	William Gabriel Pagan	RPS9-2003-0146US1	3724

45219 7590 06/29/2006

KUNZLER & ASSOCIATES
8 EAST BROADWAY
SUITE 600
SALT LAKE CITY, UT 84111

EXAMINER

NELSON, ALECIA DIANE

ART UNIT	PAPER NUMBER
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2629

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/700,069	Applicant(s) PAGAN, WILLIAM GABRIEL	
	Examiner Alecia D. Nelson	Art Unit 2629	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/3/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 11/03/03 has been considered by the examiner.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. **Claims 27-30** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. **Claim 27** recites a computer readable storage medium comprising computer readable program code for providing improved interaction to a user of a pointing device, however the specification describes the computer readable program code as being at least partially as electronic signals on a system or network (see paragraph 28). **Claims 28-30** are rejected for being dependent on a rejected base claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-4, 6, 9, 10-13, 18, 22, and 24-28** are rejected under 35 U.S.C. 102(b) as being anticipated by Bradski et al. (U.S. Patent No. 6,396,476).

With reference to **claims 1, 6, 10, 18, 24, 25, and 27**, Bradski et al. teaches an apparatus for providing improved interaction to a user of a pointing device, the apparatus comprising: a pointing device interface module (104) configured to interface with a pointing device (see column 3, lines 10-18); an event buffer (108) configured to receive pointing device events generated by a user (see column 3, lines 53-59); directing pointing device events from the buffer to a receiving process (see column 3, lines 9-30); and a feedback module configured to provide visual feedback to the user regarding buffered pointing device events (see column 4, lines 12-20). With further reference to **claim 25**, Bradski et al. teaches a pointing device (314); a CPU (102) configured to execute at least one process; and a monitor (312) configured to display interface elements corresponding to at least one process (see column 5, lines 22-55).

With reference to **claims 2, 11, and 28**, Bradski et al. teaches that the feedback module is further configured to provide feedback to the user regarding pointing device events passed to a receiving process (see column 3, line 53-column 4, line 20).

With reference to **claims 3, 4, 12, and 13**, Bradski et al. teaches that the receiving process is an application process running on an operating system (see column 3, lines 9-30).

With reference to **claims 9, 22, and 26**, Bradski et al. teaches that the pointing device is selected from the group consisting of a mouse, a pen, a digitizing tablet, a trackball, a touch pad, a touch screen, a pointing stick, a data glove, and a gesture recognizer (see column 1, lines 39-53).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. ***Claims 5, 7, 8, 17, 19-21, 23, and 30*** rejected under 35 U.S.C. 103(a) as being unpatentable over Bradski et al. as applied to ***claims 1-4, 6, 9, 10-13, 18, 22, and 24-28*** as explained above and further in view of Bates et al. (U.S. Patent No. 6,664,990)

While teaching all that is required as explained above including the teaching of providing visual feedback to the user (see column 4, lines 12-20), there fails to be any disclosure of the audible feedback or tactile feedback.

Bates et al. teaches the a computer system having a graphical user interface object wherein the system is capable of providing audible, visual, as well as tactile feedback to the user (see column 5, lines 64-67); wherein the visual feedback being in the form of a status bar or modified cursor (see abstract; column 3, lines 39-41), or a cursor color or shape options (see column 8, lines 54-67). While not specifically

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teaching that the tactile feedback is selected from the group consisting of force, pressure, vibration, surface actuation, and motion, the examiner takes Official Notice in that all of the claimed tactile feedback forms are well known to those skilled in the art and would be obvious for usage in a device providing tactile feedback to the user.

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the user to receive audible and tactile feedback similar to that which is taught by Bates et al. to be used in a system similar to that which is taught by Bradski et al. in order to generate a system capable registering user input and provide user feedback in order to thereby provide a system that allows for more accurate user input.

8. ***Claims 14-16 and 29*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradski et al. as applied to ***claims 1-4, 6, 9, 10-13, 18, 22, and 24-28*** as explained above and further in view of Thompson et al. (U.S. Patent No. 5,396,600).

With reference to the claims, Bradski et al. teaches all that is required as explained above, however fails to teach inventorying the pointing device events. Further, while Bradski et al. teaches providing the user with feedback as explained above, there fails to be any disclosure of the feedback comprising communicating a buffered event quantity or a buffered event type.

Thompson et al. teaches an apparatus and method for interfacing comprising inventorying the pointing device events (see column 3, lines 1-26). Thompson et al.

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Also teaches a number of routines that allows generating a buffered event quantity and buffered event type for the inventories (see column 5, line 43-column 7, line 54).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the inventorying of the pointing device events including inventory data representing event quantity and event type, as taught by Thompson et al., to be carried out in a system similar to that which is taught by Bradski et al. allowing for feedback to the user during control of the input device in order to thereby provide to the user an interface between a computer system and a human user which allows for more accurate input.

Conclusion

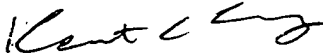
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alecia D. Nelson whose telephone number is 571-272-7771. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on 571-272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

adn/ADN
June 20, 2006


KENT CHANG
PRIMARY EXAMINER